

2011 DRAFTING REQUEST

Bill

Received: 01/09/2012

Received By: phurley

Wanted: As time permits

Companion to LRB: -3003

For: Jill Billings (608) 266-5780

By/Representing: Kathy

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous
Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Billings@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Referral to veterans' court

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/09/2012	jdye 01/09/2012		_____			S&L
/1			rschluet 01/09/2012	_____	sbasford 01/09/2012	ggodwin 01/09/2012	

FE Sent For:

At intro
1/31/2012

<END>

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/?	phurley	1/9 jld		==			
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FE Sent For:

<END>

Hurley, Peggy

From: Hurley, Peggy
Sent: Thursday, January 05, 2012 12:35 PM
To: Palese, Tony
Cc: Hurley, Peggy; Divine, Kathy
Subject: Re: Assembly Companion for LRB 3003

Thanks, Tony. I will get on that as soon as I get back.

Peggy

Sent from my iPhone

On Jan 5, 2012, at 12:32 PM, "Palese, Tony" <Tony.Palese@legis.wisconsin.gov> wrote:

Hi Peggy,

We would like to allow the Billings office to draft a companion Assembly bill to LRB 3003.

Thanks!

Tony Palese
Legislative Aide
Office of Sen. Jennifer Shilling

State Capitol, Room 106 South
PO Box 7882, Madison, WI 53707
(608) 266-5490 office
(800) 385-3385 toll-free
(608) 282-3572 fax

From: Hurley, Peggy
Sent: Thursday, January 05, 2012 12:16 PM
To: Divine, Kathy
Subject: Re: Assembly Companion for LRB 3003

Hi Kathy,

I need the office of the original requester of 3003 to give me permission to release it your office. I will be in the office on Monday and I can enter your request then.

Peggy

Sent from my iPhone

On Jan 5, 2012, at 12:01 PM, "Divine, Kathy" <Kathy.Divine@legis.wisconsin.gov> wrote:

Hi Peggy,

I would like to request the Assembly Companion for LRB 3003. Let me know if you need anything else from me to get this draft for Rep. Billings.

Thanks,

Kathy

Kathy Divine
Office of State Representative Jill Billings
Assembly District 95
608-266-5780
888-534-0095
kathy.divine@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3003/1
PJH:jld:ph

stays
3755/1
mmr

2011 BILL

1-9-12

X

Regen

1 AN ACT *to create* 973.095 of the statutes; **relating to:** participating in a veterans
2 court program. ✓

Analysis by the Legislative Reference Bureau

Under current law, counties may establish specialty or treatment courts that offer treatment programs, alternatives to incarceration, and other types of assistance for people accused of certain crimes or for certain people who are identified as needing special assistance. Currently, a few Wisconsin counties have established veterans courts with special programs and procedures that seek to assist veterans and armed service members who face, or are convicted of, criminal charges.

Under this bill, if a person is convicted of a crime, enters a guilty or no contest plea to a crime, is facing revocation of his or her probation or extended supervision because he or she violated a condition of probation or extended supervision, or enters into a deferred prosecution program and the person is a veteran or service member, the person may qualify for a transfer to a veterans court. Under the bill, the court where the person's criminal trial was held or his or her plea was entered (sentencing court) may transfer the person's case to a county that has established a veterans court. The veterans court may refuse to accept the person into its program, or may return the veteran or service member to the sentencing court, if it determines that the veteran or service member poses a danger to others participating in the veterans court or is unlikely to succeed in a court-ordered program or treatment plan. In that case, the sentence imposed by the sentencing court takes effect.

If the veterans court accepts the person into its program, the veterans court may impose postconviction incentives, requirements, sanctions, and other

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conditions upon the person. Under the bill, the county where the sentencing court is located retains the responsibility to fund any community-based care, treatment, or services for the veteran or service member and to pay the costs of jailing the veteran or service member.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 973.095^X of the statutes is created to read:

2 **973.095 Referral to a veterans court.** (1) In this section:

3 (a) "Post disposition" means after a conviction or a plea of guilty or no contest,
4 or entry into a deferred prosecution agreement.

5 (b) "Veteran" has the meaning given for "veteran or member" in s. 905.16 (1)

6 (c).

7 (c) "Veterans court" means a specialty court using a treatment-based protocol
8 for handling criminal defendants who are veterans and includes a veterans
9 mentoring program, as defined in s. 905.16 (1) (d).

10 (2) If a person who is convicted of a crime, pleads guilty or no contest to
11 committing a crime, enters into a deferred prosecution program, or whose probation
12 or extended supervision may be revoked for a violation of a rule or condition of his
13 or her probation or extended supervision is a veteran, the court may transfer the
14 veteran's case to a veterans court judge for post disposition participation in a
15 veterans court program. A court may order a transfer under this section on its own
16 motion or upon a motion by the veteran.

17 (3) A veteran qualifies for a transfer under this section if he or she is able to
18 attend all hearings and appearances required in the veterans court program, he or

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1 she meets the entry standards for the veterans court, and he or she agrees to be
2 bound by the policies and procedures of the veterans court program.

3 (4) Upon accepting a veteran for transfer into a veterans court program, the
4 veterans court judge may impose sanctions, apply incentives, or otherwise hold the
5 veteran accountable in accordance with the veteran's agreement to be bound by the
6 policies and procedures of the veterans court program.

7 (5) Subject to sub. (6), a court may order a transfer under this section at any
8 time post disposition.

9 (6) The veterans court judge may refuse to accept the transfer or may return
10 the veteran to the original court if any of the following applies:

11 (a) The veterans court judge determines that the veteran poses a risk to other
12 veterans who participate in any program or plan ordered under the veterans court.

13 (b) The veterans court judge determines that the veteran does not have the
14 capacity to succeed in a program or plan ordered under the veterans court.

15 (c) The veterans court judge determines, after he or she reviews a
16 recommendation or report prepared by a person who conducts a psychological
17 examination of the veteran, that participation in the veterans court program would
18 not be effective for the veteran.

19 (d) The veteran objects to the transfer.

20 (e) The veteran is expelled from the veterans court program.

21 (7) The county that had original jurisdiction over the veteran is responsible for
22 the costs of jailing the veteran and for funding any community-based care,
23 treatment, or services that are ordered for the veteran by the veterans court.

24 (END)

Godwin, Gigi

From: Divine, Kathy
Sent: Monday, January 09, 2012 2:07 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3755/1 Topic: Referral to veterans' court

Please Jacket LRB 11-3755/1 for the ASSEMBLY.